

HAEBERLI

Application No.: 09/684,595

Page 2

PATENT

As per claim 1, Oberg discloses a method of generating a frame prototype image showing a picture image framed within a frame, the method comprising:

providing a frame image showing the frame in a perspective view, the frame image having a picture portion corresponding to the portion of the frame used to view a picture mounted in the frame (Figure 3 62); and

mapping the picture image to the picture portion of the frame image in order to generate the frame prototype image (Figure 3 64 "a computer display monitor 60 is shown with frame moulding 62 and matting material 64 superimposed on an input image 66", column 7, line 34-36).

Applicants respectfully traverse the Section 102 rejection. Per MPEP Section 706.02, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Here, Oberg shows neither the perspective view nor the mapping element.

Oberg does not show providing a frame image showing the frame in a perspective view, the frame image having a picture portion corresponding to the portion of the frame used to view a picture mounted in the frame. The Office Action points to Figure 3's frame moulding 62 as anticipating this operation. However, the frame molding 62 shown in FIG. 3 is shown as a top view, indicating that it is NOT a perspective view but a 2D top view. Further, the superimposition operation mentioned in Oberg is consistent with the 2D top view since in a 2D view, differing layers only need to be super-imposed to provide a combined view.

Hence, Oberg cannot anticipate claim 1 since it lacks at least two claimed elements. Since a Section 102 rejection requires EACH and EVERY element to be present, Oberg cannot anticipate claim 1's "providing a frame image showing the frame in a perspective view, the frame image having a picture portion corresponding to the portion of the frame used to view a picture mounted in the frame; and mapping the picture image to the picture portion of the frame image in order to generate the frame prototype image." Withdrawal of the Section 102 rejection on claim 1 is respectfully requested.

In rejecting claim 12 as anticipated by Oberg, the Office Action noted that:

As per claim 12, Oberg discloses a computer program product tangibly embodied in a computer-readable medium, for generating a frame prototype image showing a

|| HAEBERLI
Application No.: 09/684,595
Page 3

PATENT

picture image framed within a frame, comprising instructions operable to cause a computer to:

receive the picture image (Figure 3 72);

store a frame image showing the frame in a perspective view and a mat identifying the picture portion of the frame image (Figure 3 72); and

map the picture image to the picture portion of the frame image in order to generate the frame prototype image (Figure 3 66).

As discussed above, Oberg cannot anticipate claim 12 since it lacks at least two claimed elements: "store a frame image showing the frame in a perspective view" and "map the picture image to the picture portion of the frame image." Withdrawal of the Section 102 rejection on claim 12 is respectfully requested.

In rejecting claim 16 as anticipated by Oberg, the Office Action noted that:

As per claim 16, Oberg discloses a system for generating a frame prototype image showing a picture image framed within a frame, the system comprising:

a client computer in communication with a computer network (Figure 3 70);

a server, in communication with a computer network, having server software embodied in a computer-readable medium, the server software comprising instructions operable to cause the server to:

receive the picture image from the client computer (Figure 3 72);

store a frame image showing the frame in a perspective view and a mat identifying the picture portion of the frame image (Figure 3 72); and

map the picture image to the picture portion of the frame image in order to generate the frame prototype image (Figure 2A 34);

wherein the client computer includes client software embodied in a computer readable medium, the client software comprising instructions operable to cause the client computer to upload the picture image to the server ("a customer can input a digital image of an object to be framed to the system through a digital camera 32", column 5, line 64-66. Thus, it is inherent that the digital camera has the desired software to upload the picture image to the server).

Oberg cannot anticipate claim 16 since it does not show a server. Additionally, as discussed above, Oberg cannot anticipate claim 16 since it lacks at least two claimed elements: "store a frame image showing the frame in a perspective view" and "map the picture image to the

HAEBERLI

Application No.: 09/684,595

PATENT

Page 4

picture portion of the frame image." Withdrawal of the Section 102 rejection on claim 16 is respectfully requested.

In rejecting claim 17 as anticipated by Oberg, the Office Action noted that:

As per claim 17, Oberg discloses a method of generating a visual representation of an image based product, the method comprising:

providing an image to be included in the image based product (Figure 3);

providing a perspective image showing the image based product in a perspective view, the perspective image having a picture portion corresponding to the portion of the image based product used to view a picture mounted on the image based product (Figure 3 66); and

mapping the image to the picture portion of the perspective image in order to generate the perspective prototype image ("an input image 66 that was supplied by the user by taking a snapshot of the artwork 68", column 7, line 36-37).

Again, as discussed above, Oberg cannot anticipate claim 17 since it lacks at least two claimed elements: "store a frame image showing the frame in a perspective view" and "map the picture image to the picture portion of the frame image." Withdrawal of the Section 102 rejection on claim 17 is respectfully requested.

The cited section of Oberg merely shows super-imposition of 2D images. It does not show the specifics of independent claims with respect to the perspective views. The dependent claims are allowable since they depend from allowable independent claims. Moreover, they are allowable since Oberg does not show the specifics as recited in the dependent claims.

In sum, since Oberg does not show a number of claimed elements recited in the independent claims, Applicants submit that Oberg cannot anticipate any of the independent claims. The dependent claims are allowable since they depend from allowable independent claims.

CONCLUSION

Applicants respectfully submit that all claims are in condition for allowance. Withdrawal of the rejection is respectfully requested. If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned.